

1  
2  
3  
4  
5  
6  
7 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
8 AT TACOMA

9 TIMOTHY RICHARD NELSON,

10 Plaintiff,

11 v.

12 CAROLYN W. COLVIN, Acting  
Commissioner of the Social Security  
Administration,

13 Defendant.  
14

CASE NO. C12-5540 RJB

ORDER ADOPTING REPORT AND  
RECOMMENDATION AFFIRMING  
THE COMMISSIONER

15 This matter comes before the Court on the Report and Recommendation of the U.S.  
16 Magistrate Judge J. Richard Creatura, recommending that the Court affirm the decision of the  
17 Social Security Administration that denied Plaintiff's application for disability insurance  
18 benefits. Dkt. 19. The Plaintiff has not filed objections to the Report and Recommendation.

19 The Court must uphold a decision of Defendant based on substantial evidence and free of  
20 legal error. *Burch v. Barnhart*, 400 F.3d 676, 679 (9th Cir. 2005); 42 U.S.C. § 405(g). The  
21 Court need only make a de novo determination of the portions of Magistrate Judge Creatura's  
22 Report and Recommendation to which Plaintiff makes objections. 28 U.S.C. § 636(b)(1).  
23  
24

1 The Court, having reviewed Plaintiff's Complaint, the Report and Recommendation of  
2 Judge J. Richard Creatura, United States Magistrate Judge, and the remaining record, does  
3 hereby find and **ORDER**:

4 (1) The Court adopts the Report and Recommendation (Dkt. 19).

5 (2) The administrative decision is **AFFIRMED**.

6 (3) The Clerk is directed to enter **JUDGMENT** for Defendant and the case should be  
7 closed.

8 (4) The Clerk is directed to send copies of this Order to counsel of record.

9 Dated this 3<sup>rd</sup> day of February, 2014.

10   
11

12 ROBERT J. BRYAN  
13 United States District Judge  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24